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TO RUEHC/SECSTATE WASHDC IMMEDIATE 6963
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000068

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FOR DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER, OPDAT FOR
ACKER

E.O. 12958: DECL: 01/25/2016

TAGS: [KAWC](#) [PGOV](#) [KJUS](#) [KCRM](#) [EAID](#) [KDEM](#) [UNMIK](#) [ICTY](#) [YI](#)

SUBJECT: KOSOVO: HARADINAJ TRIAL TO COMMENCE IN MARCH IN
THE HAGUE

Classified By: COM TINA KAIDANOW FOR REASONS 1.4 (B) AND (D).

11. (C) SUMMARY: The International Criminal Tribunal for the Former Yugoslavia (ICTY) announced on January 24 that the war crimes trial of former Kosovo Liberation Army (KLA) commander and former Kosovo PM Ramush Haradinaj and his subordinates, Idriz Balaj and Lahi Brahimaj, will commence on March 5, 12007. The pre-trial conference will take place on March 1, 12007. Haradinaj could go to The Hague as early as late February. Haradinaj is leader of the Alliance for the Future of Kosovo (AAK) party -- a partner in the ruling coalition -- and continues to exert considerable influence over Kosovo politics. AAK insider Ahmet Isufi is likely to take over as party president during Haradinaj's eventual absence, but will lack the influential reach Haradinaj enjoys within and outside the party, making it a tougher job to maintain widespread political consensus on key status-related issues. We judge the likelihood of a significant public reaction to Haradinaj's transfer to the Hague to be remote, since Haradinaj has already made the commitment to go, but nevertheless ICTY plans a public outreach campaign in Kosovo that will stress the simultaneous trial of former high-ranking Serbian officials charged with war crimes against Kosovars during the 1999 conflict. END SUMMARY.

Haradinaj Transfer and Trial Dates Set

12. (C) The International Criminal Tribunal for the Former Yugoslavia (ICTY) announced on January 24 that the trial against former Kosovo Liberation Army (KLA) and former Kosovo PM Ramush Haradinaj will begin on March 5, 2007 in The Hague. The pre-trial conference will begin on March 1, 2007. Haradinaj is still in Kosovo on provisional release. ICTY Kosovo Representative Bronwyn Jones (protect) told poloff that the ICTY will negotiate his transfer with UNMIK. UNMIK officials said that the transfer would likely take place a couple of weeks prior to the start date and noted that earlier trips by Haradinaj to the Hague during his period of provisional release had been low-key affairs.

The Charges Against Haradinaj and His Co-Defendants

13. (SBU) Ramush Haradinaj (a.k.a. Smajl), Idriz Balaj (a.k.a.

Toger/Togeri or Lieutenant) and Lahi Brahimaj (a.k.a. Maxhup or Gipsy) were all charged with crimes against humanity and violations of the laws or customs of war in a sealed indictment on December 22, 2004. The indictment was revised on March 4, 2005, and unsealed on March 10, 2005. All three surrendered to the ICTY on March 9, 2005. They appeared before the tribunal on March 14, entering a plea of "not guilty." Haradinaj was granted provisional release from April 17-19, 2005 to attend his brother's funeral. On June 6, 2005 he was also granted provisional release to return to Kosovo during preparations for his trial, and he remains in Pristina pending transfer to The Hague. His co-defendants never left the Hague.

¶4. (SBU) According to ICTY documents, Haradinaj and the others were allegedly co-perpetrators in a joint criminal enterprise that sought to consolidate KLA control over the KLA Operational Zone of Dukagjin (western Kosovo) between March 1, 1998 and September 20, 1998 by attacking and persecuting Serb, Roma, Egyptian and Albanian civilians. The Dukagjin Operational Zone encompassed the municipalities of Peja, Decan, Gjakove, and parts of the municipalities of Istog and Kline. Haradinaj, one of the most senior KLA leaders, commanded all of the KLA forces in Dukagjin. Balaj was a member of the KLA and the commander of a special unit called the "Black Eagles," while Brahimaj acted as a deputy commander of the Dukagjin Operative staff. A close relative of Haradinaj, Brahimaj was stationed in Jablanice and allegedly ran a detention center there. Both Balaj and Brahimaj reported directly to Haradinaj.

¶5. (SBU) In addition to the allegations that Haradinaj and his co-defendants mounted a systematic ethnic cleansing

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campaign in the Dukagjin area, the indictment accuses them of repeatedly attacking a refugee camp in the village of Babaloq near Decan and detaining, beating and torturing 16 noncombatants at their camp in Jablanice between the second half of May and August 1998. One of the detainees died, and the others are still missing. According to the indictment, Serb forces temporarily retook part of the territory at the end of August and beginning of September 1998, and Serbian forensic investigators found 39 bodies and partial remains, several of which were identified as those of Serb, Roma and Albanian civilians who disappeared between April and early September 1998 in the Dukagjin area.

Haradinaj's Transfer Creates a Void, Ahmet Isufi Likely to Succeed Him

¶6. (SBU) Haradinaj is the president of the Alliance for the Future of Kosovo (AAK) party, which is a member of the Kosovo's governing coalition. He continues to exert considerable influence in Kosovo, both within his own party and across the political spectrum. Despite the other accusations against him, Haradinaj has been credited with saving the Decan Monastery and calming the situation during the March 2004 riots, as well as being a moderating influence on KLA war veterans groups throughout the postwar period.

¶7. (SBU) Ahmet Isufi will likely become the AAK's acting president when Haradinaj leaves. Isufi is the AAK's first vice president and a former minister of labor and social welfare and Kosovo Assembly member. In the 1980's, he spent six years in prison for being a member of an ethnic Albanian clandestine movement. In 1997, he joined the KLA. A close associate of Haradinaj, Isufi was a commander in eastern Kosovo during the war. He later joined the Kosovo Protection Corps (KPC) as the chief of personnel. He became active in Kosovo politics in April 2002 when he left the KPC to join Haradinaj in his efforts to establish the AAK. A Haradinaj loyalist, Isufi resigned his cabinet position as Minister of Labor and Social Welfare in protest over Haradinaj's extradition to The Hague.

18. (C) Though we and others in Kosovo judge the likelihood of a significant public response to Haradinaj's transfer to be low, ICTY is taking no chances and will launch an information campaign throughout Kosovo that will stress ICTY's balanced approach and highlight the ongoing Milutinovic trial at The Hague. (Note: Former Serbian President and Member of the Supreme Defense Council of the Federal Republic of Yugoslavia Milan Milutinovic and five other high-ranking Serbian officials are charged with persecution on political, racial or religious grounds, murder, deportation and forcible transfer during the Kosovo conflict. To date, Kosovo media have shown little interest in this trial despite the fact that the alleged crimes affected almost every Kosovar. End note.)

19. (C) COMMENT: The timing of Haradinaj's transfer and trial is not unexpected. Haradinaj's cooperative reaction to the initial indictment and subsequent proceedings has done much to calm public reaction. Nevertheless, the decision comes at a particularly sensitive moment -- just after the much anticipated unveiling of UN Special Envoy Ahtisaari's final status package on February 2. Haradinaj is an influential player across the divide of Kosovo's fractious political parties who was strongly supportive of the Ahtisaari process; his departure will make the job of achieving political consensus around key aspects of the status package -- and implementing those provisions -- harder, though by no means impossible. His absence from the political scene may also embolden his arch-rival, PDK leader Hashim Thaci, to consider another run at bringing down the existing government coalition and installing himself as Prime Minister. Thaci is extremely unlikely to succeed in such an effort, but the LDK-AAK government will unquestionably be weakened by Haradinaj's prolonged absence. USOP will monitor developments over the next few weeks with regard to

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Haradinaj's departure and report on any related issues. END COMMENT.

110. (SBU) U.S. Office Pristina clears this cable in its entirety for release to U.N. Special Envoy Martti Ahtisaari. K Aidanow